

MACCARTNEY, MACCARTNEY,
KERRIGAN & MACCARTNEY
ATTORNEYS AT LAW
NYACK, NEW YORK 10960

2. This Action is hereby dismissed with prejudice and without costs.

Action.

"Government"), on account of the alleged facts, events, and circumstances giving rise to this

employee of the United States or the United States Postal Service (collectively, the

United States, the United States Postal Service, or any department, agency, officer, or

full settlement of any and all claims that plaintiff now has or may hereafter acquire against the

check payable to "Harold MacCartney, as attorney for Sophie Welisch," which sum shall be in

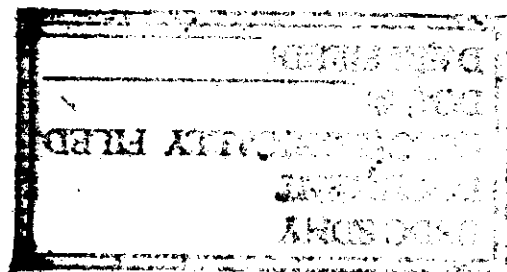
1. The United States will pay to plaintiff \$43,000 (the "Settlement Amount") by

1346(b), 2671-2680 (the "Action"), shall be resolved as follows:

action, brought against the United States pursuant to the Federal Tort Claims Act, 28 U.S.C. §§

("plaintiff") and the United States of America (the "United States"), that the above-captioned

IT IS HEREBY STIPULATED AND AGREED by and between Sophie Welisch



STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL

07 Civ. 6165 (GAY)

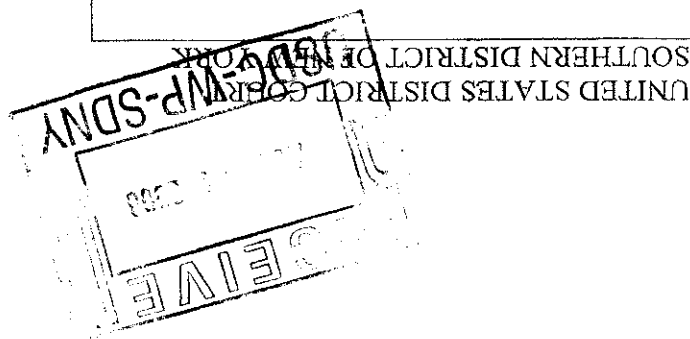
Defendant.

UNITED STATES OF AMERICA,

v.

Plaintiff,

SOPHIE WELISCH,



111
Jonathan, M. J.

3. This agreement shall not constitute an admission of liability or fault on the part of the Government.

4. Plaintiff stipulates and agrees to accept the Settlement Agreement in full settlement and satisfaction of any and all claims and demands which she or her heirs, executors, successors in interest, administrators or assigns may have or hereafter acquire against the Government on account of the events, circumstances or incidents giving rise to this Action and claims incident thereto. Plaintiff hereby releases and forever discharges the Government from any and all claims and liability arising directly or indirectly from the incidents or circumstances giving rise to or referred to in the Action.

5. Plaintiff further stipulates and agrees to indemnify and hold harmless the Government from any and all causes of action or claims arising from the assignment of claims and liens upon the settlement proceeds, and further stipulates and agrees to reimburse or advance, at the option of counsel for the Government, any expense or cost which may be incurred incident to or resulting from such further litigation or the prosecution of any claim by any third-party against the plaintiff.

6. Payment of the consideration set forth in Paragraph 1 shall be made only after execution by the parties and entry by the Court of this Stipulation.

7. Settlement of this Action is to be without interest, costs or disbursements to either party and inclusive of attorney's fees in accordance with 28 U.S.C. § 2678, and all liens and fees are to be satisfied by the plaintiff out of the amount of this settlement.

MACCARTNEY, MACCARTNEY,
KERRIGAN & MACCARTNEY
ATTORNEYS AT LAW
NYACK, NEW YORK 10960

8. The plaintiff and the Government understand and agree that this Stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Sophie Welisch
SOPHIE WELISCH, Plaintiff

Harold V. MacCartney
HAROLD V. MACCARTNEY, ESQ.

MacCartney,
13 North Broadway
PO Box 350
Nyack, NY 10960
Attorney for Plaintiff

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for United States of America

John D. Clopper
JOHN D. CLOPPER

Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-2716
Fax: (212) 637-0033

DATED: 8/18/08

GEORGE A. YANTHIS
UNITED STATES MAGISTRATE JUDGE

George A. Yantis

SO ORDERED:

Dated: New York, NY
July 10, 2008
July 8

Dated: New York, New York
July 10, 2008

Dated: New York, New York
July 10, 2008